

REMARKS

Applicants acknowledge receipt of an Office Action dated May 29, 2007. In this response, Applicants have cancelled non-elected claims 1 and 2 without prejudice or disclaimer. Applicants expressly reserve their right to pursue these claims in one or more continuing or divisional applications. In addition, Applicants have amended claim 3 to incorporate the recitations of allowable claim 4, effectively presenting claim 4 in independent form, and Applicants have amended claims 5 and 6 so that each of these claims now depends from claim 3 instead of claim 4, which has been cancelled in this response in view of the amendment to claim 3 which renders claim 4 redundant. Finally, claims 3 and 8 have been amended to replace certain occurrences of the terms “containing” and “having” with the conventional term “comprising.” Following entry of these amendments, claims 3 and 5-13 are pending in the application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Allowable Subject Matter

Applicants acknowledge, with appreciation, the PTO’s indication, on page 4 of the Office Action, that claims 4-7 would be allowable if rewritten in independent form and that claims 8-13 have been allowed. In this response, Applicants have amended claim 3 to incorporate the recitations of allowable claim 4 and have amended claims 5 and 6 so that each of these claims now depends from claim 3 instead of claim 4. In view of these amendments, Applicants submit that claims 3 and 5-13 are now in *prima facie* allowable form.

Rejection Under 35 U.S.C. § 103

On page 3 of the Office Action, the PTO has rejected claim 3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication 2003/0129459 to Ovshinsky *et al.* (hereafter “Ovshinsky”) in view of U.S. Patent 6,368,748 to Takee *et al.* (hereafter “Takee”).

While Applicants respectfully traverse this rejection, in the interest of permitting allowable subject matter to issue without further delay, Applicants have amended claim 3 to

incorporate the recitations of allowable claim 4. In view of this amendment, Applicants submit that claim 3 is in *prima facie* allowable form. Applicants expressly reserve the right to present a claim commensurate in scope with unamended claim 3 in one or more continuing and/or reissue applications.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under § 103.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8/29/07
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

By P. D. Strain
Paul D. Strain
Registration No. 47,369
Attorney for Applicant